

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-3093

UNITED STATES OF AMERICA,

Appellee,

v.

RASHA ABUAL-RAGHEB,

Appellant.

**JOINT RESPONSE TO ORDER FOR MOTIONS TO
GOVERN FUTURE PROCEEDINGS AND
JOINT MOTION TO CONTINUE
TO HOLD CASE IN ABEYANCE**

Appellant, Rasha Abual-Ragheb, and appellee, the United States of America, jointly respond to the Court's August 18, 2023, order for motions to govern future proceedings by jointly moving to continue to hold this case in abeyance until the mandate in *United States v. Little*, No. 22-3018, has issued.

This appeal raises the issue whether a district court has authority to impose a split sentence of incarceration and probation for a single petty offense. This case was held in abeyance pending resolution of *Little*, which raised the identical issue. On August 18, 2023, a divided panel of the Court held in *Little* that a district court may not impose a

split sentence for a single petty offense. *See United States v. Little*, No. 22-3018, 2023 WL 5313529 (D.C. Cir. Aug. 18, 2023). That same day, the Court ordered the parties in this case to file motions to govern future proceedings.

The United States is considering whether to file a petition for rehearing en banc in *Little*—a decision that ultimately belongs to the Solicitor General. Any rehearing petition would be due on or before October 2, 2023. The need to avoid confusion and conserve resources supports continuing to hold this case in abeyance until the mandate in *Little* finally issues, after the time for rehearing has expired or, if a rehearing petition is filed, such petition is resolved.

CONCLUSION

WHEREFORE, the parties jointly request that the case be held in abeyance until the Court issues the mandate in *Little*.

Respectfully submitted,

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/s/

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CERTIFICATE OF COMPLIANCE WITH RULE 27(d)

I HEREBY CERTIFY pursuant to Fed. R. App. P. 32(g) that this motion contains 248 words, and therefore complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A). This motion has been prepared in 14-point Century Schoolbook, a proportionally spaced typeface.

/s/

ELIZABETH H. DANELLO
Assistant United States Attorney

Dated: September 7, 2023